

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,018	NOCK, ROBERT KENNETH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrea M. Valenti	3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 23 September 2005.
2. ☒ The allowed claim(s) is/are 1,2,4-10 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---|--|

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wendi Weinstein on 13 October 2005.

The application has been amended as follows:

**Claim 1, line 1**, "A perch assembly for removable attachment to a bird feeder, said assembly comprising:" was changed to --A perch assembly for removable attachment to a bird feeder having a bird feeder body, said perch assembly comprising:--

**Claim 1, line 3**, "a locating member for locating and removably engaging a body of the bird feeder," was changed to --a locating member removably engaging the bird feeder body,--

**Claim 1, line 4**, "pivoting means for allowing" was changed to --pivoting means allowing--

**Claim 1, line 5**, "such that in use said locating member may engage the bird feeder body and when so engaged said perch may pivot, from a retracted" was changed to --said pivoting means comprising a recess in said locating member and a pivot rod, wherein, when said locating member engages the bird feeder body, said pivot rod is held in place by said recess against the bird feeder body and said perch may pivot about said pivot rod from a retracted--

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**Claim 1, line 7**, "bird feeder body, to an extended" was changed to --a bird feeder body to an extended--

**Claim 1, line 10**, "wherein said locating member comprises a bird feeding port." Was changed to --wherein said locating member comprises a bird feeding port and said perch is disposed beneath said feeding port.--

**Claim 3 was cancelled**

**Claim 4, line 1**, "according to claim 3" was changed to --according to claim 1--

***Allowable Subject Matter***

Claims 1, 2, 4-10, and 12 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 5,033,411; U.S. Patent No. 6,408,788; U.S. Patent No. 2,891,711; German Patent DE 2730066; U.S. Patent No. 4,223,637; U.S. Patent No. 4,881,491; and European Patent EP 0104766 teach pivoting perches and removable perches. However, the prior art of record all fails to show, and fails to make obvious, either alone and/or in combination a perch assembly with a locating member comprising a bird feeding port and the perch is disposed beneath the port and a pivoting means comprising a recess in the locating member with a pivoting rod about which the perch pivots when the locating member engages the bird feeder body. Applicant has claimed that when engaged the combination of the bird feeder body and perch assembly is claimed and not the subcombination because of the positive reciting of bird feeder body in line 3.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

14 October 2005



Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

10/17/05